

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

ROBYN KRAVITZ, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF COMMERCE, *et al.*,

Defendants.

Civil Action No. 8:18-cv-01041-GJH

Hon. George J. Hazel

LA UNIÓN DEL PUEBLO ENTERO, *et al.*,

Plaintiffs,

v.

WILBUR L. ROSS, sued in his official
capacity as U.S. Secretary of Commerce, *et al.*,

Defendants.

Civil Action No. 8:18-cv-01570-GJH

Hon. George J. Hazel

NOTICE OF FILING OF PLAINTIFFS' PROPOSED SCHEDULING ORDER

Pursuant to the Court's order of July 3, 2019, Plaintiffs hereby submit and request that the Court enter the attached Proposed Scheduling Order.

Earlier today, on July 5, 2019, Plaintiffs met and conferred with Defendants regarding the attached proposed scheduling order. Defendants stated that they did not oppose Plaintiffs' proposed scheduling order except that Defendants requested that the schedule be held in abeyance indefinitely until Defendants reach a "new" decision regarding whether or not they will attempt to inquire about citizenship status as part of the 2020 decennial census.

There is no reason to hold the proposed scheduling order in abeyance. Defendants cannot avoid Plaintiffs' equal protection and Section 1985 claims merely by pretending that the same or

a similar decision is somehow “new” or somehow cures the discriminatory intent that Plaintiffs have established as motivating the addition of the citizenship question to the 2020 census. *See, e.g., Ne. Fla. Chapter of Associated Gen. Contractors v. City of Jacksonville*, 508 U.S. 656 (1993); *City of Mesquite v. Aladdin’s Castle, Inc.*, 455 U.S. 283 (1982); *N.C. State Conference of NAACP v. McCrory*, 831 F.3d 204, 225 (4th Cir. 2016).

During the meet-and-confer teleconference, Defendants suggested that Plaintiffs likely would need to seek additional discovery in the wake of a purportedly “new” decision. Plaintiffs agree. However, that potentiality is not a basis for indefinitely deferring discovery on Plaintiffs’ valid equal protection and Section 1985 claims, particularly given that Plaintiffs’ proposed scheduling order expressly provides for modification in light of any developments, “including but not limited to any specific efforts by the federal government to inquire about citizenship status as part of the 2020 decennial census.”

Defendants’ proposal to hold discovery in abeyance is particularly inappropriate given Defendants’ repeated representations to this Court and other courts, including the United States Supreme Court, that timing is of the essence and that “the census questionnaire needed to be finalized for printing by the end of June 2019.” *Department of Commerce v. New York*, No. 18-966, slip op. at 8 (June 27, 2019).

Plaintiffs respectfully request that the Court enter the attached proposed scheduling order.

Dated: July 5, 2019

Respectfully Submitted,

/s/ Daniel Grant (Bar. No. 19659)

/s/ Denise Hulett

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